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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,310	03/13/2001	Kannan Srinivasan	696.004	1781

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FERENCE & ASSOCIATES LLC
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/805,310

Applicant(s)

SRINIVASAN ET AL.

Examiner

Blane J. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 15, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 15, 20, 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Upon further search regarding the amended claims, the examiner found especially relevant prior art of which Tijerino is applied in the following rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 15, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tijerino (US 6,405,034).

As to claim 4, Tijerino teaches a method of communicating information to a wireless communication device user comprising:

Determining a **location** of the wireless device (figure 1, column 5, lines 51 to column 6, line 4 and column 4, lines 10-42, wireless information retrieval system based on user selections augmented with user preferences and environmental data, the environmental data includes location, time, temperature and weather of the user),

Determining information potentially of interest to the user from the location of the wireless device (column 6, lines 5-55, server retrieves data responsive to the user's selection and the user's preference data comprising user preferences and environmental data),

Communicating the information potentially of interest to the user of the wireless device wherein the order in which the information is communicated is based upon at least one preference of the user (figures 1 and 2, column 6, lines 56-65, the server (10) sends the retrieved data to the communication device (40) based on the user selected communication service choice and the user's preferences),

Wherein the at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user and wherein the profile of preferences of the user is obtained by ascertaining trends in selections made by the user (column 6, line 56 to column 7, line 21, communication device (40) preferentially saves selected portions of the retrieved data to update and refine the preference storage device (70), such that the selected data is supported through learned usage patterns and/or historical data of the user).

As to claim 15, Tijerino teaches a method of communicating information to a wireless communication device user comprising:

Determining a **location** of the wireless device (figure 1, column 5, lines 51 to column 6, line 4 and column 4, lines 10-42, wireless information retrieval system based

on user selections augmented with user preferences and environmental data, the environmental data includes location, time, temperature and weather of the user),

Determining information potentially of interest to the user from the location of the wireless device (column 6, lines 5-55, server retrieves data responsive to the user's selection and the user's preference data comprising user preferences and environmental data),

Communicating the information potentially of interest to the user of the wireless device wherein the order in which the information is communicated is based upon at least one preference of the user (figures 1 and 2, column 6, lines 56-65, the server (10) sends the retrieved data to the communication device (40) based on the user selected communication service choice and the user's preferences),

Wherein the at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user and wherein the profile of preferences of the user **is based upon historical data associated with the user** (column 6, line 56 to column 7, line 21, communication device (40) preferentially saves selected portions of the retrieved data to update and refine the preference storage device (70), such that the selected data is supported through learned usage patterns and/or historical data of the user).

As to claim 20, Tijerino teaches a method of communicating information to a wireless communication device user comprising:

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Determining a **time** of the wireless device (figure 1, column 5, lines 51 to column 6, line 4 and column 4, lines 10-42, wireless information retrieval system based on user selections augmented with user preferences and environmental data, the environmental data includes location, time, temperature and weather of the user),

Determining information potentially of interest to the user from the time of the wireless device (column 6, lines 5-55, server retrieves data responsive to the user's selection and the user's preference data comprising user preferences and environmental data),

Communicating the information potentially of interest to the user of the wireless device wherein the order in which the information is communicated is based upon at least one preference of the user (figures 1 and 2, column 6, lines 56-65, the server (10) sends the retrieved data to the communication device (40) based on the user selected communication service choice and the user's preferences),

Wherein the at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user and wherein the profile of preferences of the user is obtained by **ascertaining trends in selections made by the user** (column 6, line 56 to column 7, line 21, communication device (40) preferentially saves selected portions of the retrieved data to update and refine the preference storage device (70), such that the selected data is supported through learned usage patterns and/or historical data of the user).

As to claim 21, Tijerino teaches a method of communicating information to a wireless communication device user comprising:

Determining a **time** of the wireless device (figure 1, column 5, lines 51 to column 6, line 4 and column 4, lines 10-42, wireless information retrieval system based on user selections augmented with user preferences and environmental data, the environmental data includes location, time, temperature and weather of the user),

Determining information potentially of interest to the user from the time of the wireless device (column 6, lines 5-55, server retrieves data responsive to the user's selection and the user's preference data comprising user preferences and environmental data),

Communicating the information potentially of interest to the user of the wireless device wherein the order in which the information is communicated is based upon at least one preference of the user (figures 1 and 2, column 6, lines 56-65, the server (10) sends the retrieved data to the communication device (40) based on the user selected communication service choice and the user's preferences),

Wherein the at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user and wherein the profile of preferences of the user is **based upon historical data associated with the user** (column 6, line 56 to column 7, line 21, communication device (40) preferentially saves selected portions of the retrieved data to update and refine the preference storage device (70), such that the selected data is supported through learned usage patterns and/or historical data of the user).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes Tijerino (US 7,035,625) and Owensby (US 6,647,257) where Owensby especially teaches messages are targeted to a wireless mobile subscriber on the basis of location, time, demographic, personal preference data historical movement patterns and responses made to the messages previously provided to the subscriber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Eileen J. Fuchs". The signature is written in a cursive, flowing style with a large initial "E" and a long, sweeping underline.